

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Kitti R. Payne — ^{sole} PETITIONER
(Your Name)

Publishers Clearing House, Inc.; dba
PCH Lotto, PCH Affiliates, aka PCH,
The Clearing House — RESPONDENT(S)
^{vs.}

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit, San Francisco CA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kitti R. Payne, Pro Se and Individual Taxpayer
(Your Name)

P.O. Box 12181 General Delivery
(Address)

Fresno CA 93776
(City, State, Zip Code)

(559) 371-8490
(Phone Number)

IV. QUESTION(S) PRESENTED

1.

This is essentially made provided in an appropriate way before this property constituted tribunal as inquiring as to the amount of compensation to be made Court awarded that due process of law, that is required by the Federal Constitution, will follow; therefore, what is the amount of the compensation? (Baxos v. Fort Street Union Dept Co. 169 U.S. 597, 569 (1898)).

2) As sole Petitioner, namely Keith R. Payne, endeavors to establish claim to such compensation, how will the Petitioner receive the compensation made Court Awarded? (F.R.C.P. Rule 71.1.(1)(c)).

3) Are these judicial decisions on the rights of a property owner, namely Keith R. Payne, violating the Takings Clause? (NOTE)

In any proceeding that the constitutionality of an Act of Congress is drawn into question, and neither the United States nor any federal department, office, agency, officer, or employee is a party, the initial document filed shall recite that 28 U.S.C. § 2403(a) may apply (Rules of the Sup. Ct. of U.S., April 19, 2013 pg. 38; 28 USC § 2403(a)).

4) It is unknown to the sole Petitioner, namely Keith R. Payne, if either the U.S. District Court, Eastern District of California, or the U.S. Court of Appeals for the Ninth Circuit of California have certified to the Attorney General the fact that the constitutionality of an Act of Congress was drawn into question; therefore, has the Attorney General received certification from either U.S.D.C. or USCA courts, of the fact that the constitutionality of an Act of Congress was drawn into question? (28 U.S.C. § 2403(a)). Rules of S.C.U.S. July 01, 2013 pg. 39; 28 U.S.C. § 451; Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989); Franklin, 745 F.2d at 1227.

5) As the Court lacks personal jurisdiction over Defendants until Defendants have been served (Travelers Cas. & Sur. Co. of Am. v. Brenneke, 551 F.3d 1132, 1135 (9th Cir. 2009)) how will sole Petitioner, namely Keith R. Payne, be made aware that in former Bayparts IFF screening clears pursuant to 28 U.S.C. § 1915(e)(2) before service is even permitted?

6) As I am a resident of the state of California, apparently becoming subverted into economic enhancement to the state of New York; therefore, should an Internet Bureau as a Division of Economic Justice of the Office of the Attorney General of the state of California be established in order to assure such protections to its residents?

V. LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1.) CITIZEN COMPLAINT
U.S. Department of Justice
United States Attorney, Eastern District of California
501 I Street STE 10-100
Sacramento CA 95814 Phone: (916) 554-2700 FAX: (916) 554-2900
- a) * As parties described as "Respondants" are previous offenders,
a copy of the corrected petition was not served on opposing counsel (pending U.S. Attorney).
NOTE: The U.S. Attorney does not accept supportive documents as Attachments
when filing citizen complaints; only their generic form is accepted. (Deceptive
mail Prevention and enforcement Act (P.L. 106-188 Sec. 104); 28 § 1915(e)(2));
- b) * Citizen complaint was filed USPS on the date of 04/27/2017 made
to the U.S. Attorney (at the above described address) in Sacramento CA
(18 U.S.C. § 3771 Crime Victims Rights); And,
- 2.) Department of Justice, Solicitor General of the United States
950 Pennsylvania Ave NW, Room 5614
Washington D.C. 20530-0001 (28 U.S.C. § 2403(a)). (Rule 12.6).

VI. TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3a-3d
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION	6

VII. INDEX TO APPENDICES

- APPENDIX A : Supporting Documents In Forma Pauperis IFP
Department of Social Services DSS
Case Number 1B2P357 /KITH R. Payne ;
- APPENDIX B: STATE OF NEW YORK, OFFICE OF THE ATTORNEY GENERAL
Division of Economic Justice, Internet Bureau
01/06/2014 Correspondence (NY AG FILE # 2013-1137721);
- APPENDIX C: STATE OF NEW YORK, OFFICE OF THE ATTORNEY GENERAL
Division of Economic Justice, Internet Bureau
12/11/2013 Correspondence (NY AG FILE # 2013-1137721);
- APPENDIX D: You Have Won One million Dollars from PCH Lotto Award communication
Wed, 26 Oct 2011 18:48:56-0300
(Establishment of title, ownership);
- APPENDIX E: 03/14/2017 Order U.S. Court of Appeals, Dismissal as Frivolous
For the Ninth Circuit Case Nbr: 16-16478 ;
- APPENDIX F: ① 08/13/2016 Order U.S. District Court, Adopting Findings and Recommendations
For the Eastern District of California, Denying All Other Motions AS NOT
Case Nbr: 1:16-cv-00165 - DAD-SKO
② 01/21/2016 Order U.S. District Court, Adopting Findings and Recommendations
Amended Complaint Be Dismissed
For the Eastern District of California Case Nbr: 1:15-cv-01453-AWT-SKO

VIII. TABLE OF AUTHORITIES CITED

CASES

CASES	PAGE NUMBER
1. Backus v. Fort Street Union Depot Co. 169 U.S. 557, 569 (1898)	IV, 3a, 7, 8
2. Cohen v. U.S., 98 Fed. Cl. 156, 160 (2011)	3a, 7, 8
3. Stop the Beach Renour., Inc. v. Fl. Dept. Env. Protect., 560 U.S. ___, No. 08-1151, Slip Op. (2010)	3a, 7
4. Travelers Cas. & Sur. Co. of Am. v. Brønneke, 551 F.3d 1132, 1135 (9th Cir. 2009)	IV, 7
5. Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)	IV, 8, 7
6. Franklin, 745 F.2d at 1227	IV, 8, 7
7. Lilleg v. Doubleday (1881) 7 Q.B.D. 510	3a, 7
8. Gibaud v. Great Eastern Railway Co. [1921] 2 K.B. 426	3a, 7
9. Prati v. United States, 82 Fed. Cl. 373, 376 (2008)	3a, 7
10. Steward Mach. Co v. Davis, 301 U.S. 548, 585 (1937)	3a, 8, 7
11. Curin v. Wallace, 306 U.S. 1, 13-14 (1939)	3a, 8, 7

STATUTES AND RULES

12. 28 U.S.C. § 1746 (Rule 39)	I. (1-4), II. (1-5), III
13. 28 U.S.C. § 1254 (1)	2.
14. 28 U.S.C. § 1332	7, 8, (Appdx B, C, D)
15. F.R.C.P. Rule 71.1 (i)(1)(c)	IV, 3a, 7, 8, (Appdx D)
16. 18 U.S.C. § 3771, Crime Victims Rights (42 U.S.C. § 10607 Services to Victims; Sec 503(c))	V, 3a, 7, 3b, iii
17. S. 375, Receipt Mail Prevention and Enforcement Act (P.L. 106-168) Title I	V, (Appdx D), 7, 3b
18. Section 29 2001 Consent Agreement with State Attorneys General	3b, 7
19. 28 U.S.C. § 2403 (a); (Rule 14.1(e)(v))	iii, IV, 8, 3b, 3c, 2
20. 28 U.S.C. § 451	IV, 8, 3b, 3c, 2, 7
21. 28 U.S.C. § 1915(e)(2) (Before service on Defendants is permitted)	3b, 7, I. 1, IV, V, I(1-4), II(1-5)
22. U.S.C.S. Rule 9 pg. 1 and 9(f)	3c, 3b, 2, 6, (Appdx B, C, D), 7
23. U.S.C.S. Rule 8 pg. 495	3c, 8, 7
24. U.S.C.S. Rule 8(e) and Rule 8	3c, 8, 7
25. F.R.C.P. Rule 67 (a) Depositing Property (04/20/2017 S.C.U.S. Clerk Directive)	i, ii, iii, (Appdx B, C, D), 3c
26. 28 USC § 2041 and 2042	3c, (Appdx D), 7
27. OTHER Amendment 5 of U.S. Constitution - Rights of Persons (2013 Analysis and Interpretation of Constitution of U.S. of America pgs. 1543, 1545, 1569)	8, 3b, 3c, 7
28. Amendment 14 of U.S. Constitution - Rights Guaranteed (2013 Analysis and Interp. of Const. of U.S.A., pgs. 1806, 1807, 1809, 1810)	3c, 7, 8
STATUTES AND RULES CONTINUED	iii, V, 3d, 7, (Appdx D)
29. Rule 12.6	iii, 2, 3d
30. Rule 29.4(b)	
31. USCS Rule 8 n 286 Liability...pg. 758	3d, 7, (Appdx B, C, D)

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

IX. OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix E to the petition and is

☒ reported at CM/ECF (Case Mgt./Elec. Case Files)
U.S.D.C. Eastern District of California; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix F1#F2 to the petition and is

CM/ECF (Case Mgt./Elec. Case Files)
☒ reported at U.S.D.C. Eastern District of California; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

X. JURISDICTION (INITIAL DOCUMENT)

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 03/14/2017.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[NOTE]: It remains unknown if that court, pursuant to 28 U.S.C. § 2403(a), certified to the Attorney General the fact that the constitutionality of an Act of Congress was drawn into question; (therefore, XV. Proof of Service, as well as inclusion of this notation, are applicable to provide statement that the notifications required have been made (Rule 25.4(b)).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) "All that is essential is that in some appropriate way, before some properly constituted tribunal, inquiry shall be made as to the amount of compensation, and when this has been provided there is that due process of law [that] is required by the Federal Constitution".
- (2) A showing is made of exceptional circumstances based on manifest error of law.
- (3) The ~~issue~~ whether one's property has been "taken" with the consequent requirement of just compensation... where regulatory action limits activity on the property or otherwise deprives it of value, whether there has been a taking in the Fifth Amendment sense becomes critical... the viability and dimensions of a judicial takings doctrine thus remains unresolved.
- (4) As the Court lacks personal jurisdiction over Defendant(s) until Defendant(s) have been served.
- (5) The critical inquiry is whether a claim has an arguable legal and factual basis.
- (6) The critical inquiry is whether a claim has an arguable legal and factual basis.
- (7) It is presumed there will not be exclusion of liability for losses arising from acts not authorized. Thus, if the carrier exposes the goods to risks different from those contemplated, s/he cannot rely on clauses designed to protect him/her from liability.
- (8) (same as 7)
- (9) Motion is necessary to prevent manifest injustice... that [court] ha[s] jurisdiction to decide whether... assertion is correct.
- (10) Discrimination... is equivalent to confiscation and subject under the Fifth Amendment to challenge and annulment.
- (11) (same as 10)
- (12) A party seeking to proceed in forma pauperis shall file a motion for leave to do so, together with the party's... declaration. The motion shall state whether leave to proceed in forma pauperis was sought in any other court and, if so, whether leave was granted.
- (13) As no petition for rehearing was timely filed in my case, the jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).
- (14) District Courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—(1) citizens of differing states;... except when express provision therefor is otherwise made in a statute of the U.S., where the Plaintiff who files the case originally in the Federal Courts is finally adjudged to be entitled to recover less than the sum or value of \$75,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interest and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on plaintiff.
- (15) By Court order. At any time before compensation has been determined and paid, the court may, ... dismiss the action as to a piece of property. But if the plaintiff has already taken title, a lesser interest, or possession as to any part of it, the court must award compensation for the title, lesser interest, or possession taken.
- (16) Crime Victims Rights (a) A crime victim has the following rights: (1) Right to be reasonably protected... (2) Right to reasonable, accurate, and timely notice of any public court proceeding... involving the crime (3) Right to not be excluded... (4) Right to be reasonably heard... (5) Reasonable right to confer with the Attorney for the Gov't... (6) Right to full and timely restitution as provided in law (7) Right to proceedings free from unreasonable delay (8) Right to be treated with fairness and with respect for the victim's dignity and privacy (9) Right to be informed in a timely manner of any plea bargain or deferred prosecution agreement (10) Right to be informed of the rights under this section and the services described in section 503(e) of the Victims Rights and Restitution Act of 1990 (42 U.S.C. 10607(c) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice (b) Rights Afforded—(1) In General... The reasons for any decision denying relief under this chapter shall be clearly stated on the record...

16 cont

the government may assert the rights described... (e) A person accused of the crime

...that does not unduly complicate or prolong the proceedings (2) Motion for Relief from Stay of Proceedings

...the government may assert as error the district court's denial of any crime victims right in the proceeding that the award is for ... (c) ...

⑦. Sec 103. Restrictions on supervisory officers by responsible officers with the obligations..

Skills: Sec 106 (11) Penalties and Costs, Sec 108 Requirements of Promoters of

(19) To all other common carriers via the Internet, including E-mail and Internet, that shall apply as fully as possible.

Employee is a party, the initial document filed in this U.S. nor any federal department, office, agency, officer, or

...and in this document shall be interpreted as "I-900-000-000" and the term "United States" shall include the United States and all other territories and possessions of the United States.

Departments enumerated in section I of title 5, unless the context shows that such term

...of the U.S. ... unless the content shows that such term was intended to be used

$e(x)$ Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court

that relief may be granted: or (!!!) seeks monetary relief against a defendant who

except which required to show that the court has jurisdiction... (z) Raising those issues...

6. $\lim_{x \rightarrow 0} \frac{1}{x} = \infty$ (or $-\infty$)

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(22) con't constituting fraud or mistake. Malice, intent, knowledge, and other conditions... may be alleged generally. (c) Conditions Precedent... it suffices to allege generally that all conditions precedent have occurred or been performed... (d) Official document or Act. In pleading an official document or official act, it suffices to allege that the document was legally issued or the act legally done. (e) Judgment. In pleading a judgment or decision... it suffices to plead... without showing jurisdiction to render it. (f) Time and Place. An allegation of Time OR Place is material when testing sufficiency of a pleading. (g) Special Damages. If an item of special damage is claimed, it must be specifically stated.

(23) General Rules of Pleading (a) Claim for Relief... (1) a short and plain statement of grounds for the court's jurisdiction... (2)... statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought... (d) Pleading to be concise and Direct; A Harsher statements: Inconsistency (1) No technical form required (2)... If alternative statements, the pleading is sufficient if any one is sufficient (3)... may state as many separate claims or defenses as it has regardless of consistency.

(24) Pleadings must be construed so as to do substantial justice... having moral obligation... in good faith.

(25) Deposit into Court (a) Depositing Property. If any part of the relief sought is a money judgment or the disposition of a sum of money..., a party—on notice to every other party and by leave of court—may deposit with the court all or part of... the thing... The depositing party must deliver to the clerk a copy of the order permitting deposit.

(26) Deposit of moneys in pending or adjudicated cases. All moneys paid into any court of the U.S., or received by the officers thereof, in any case pending or adjudicated in such court, shall be forthwith deposited with the Treasurer of the U.S. or a designated depository, in the name and to the credit of such court. This section shall not prevent the delivery of any such money to the rightful [owner] upon security, according to agreement of parties, under direction of the court. And, 28 USC § 2042—Withdrawal. No money deposited under section 2041 of this title shall be withdrawn except by order of court.

(27) "All that is essential is that in some appropriate way, before some properly constituted tribunal, inquiry shall be made as to the amount of compensation, and when this has been provided there is that due process of law [that] is required by the Federal Constitution."... Where, however, physical damage results to property because of government action, or where regulatory action limits activity on the property or otherwise deprives it of value, whether there has been a taking in the Fifth Amendment sense becomes critical... the viability and dimensions of a judicial takings doctrine remains unresolved... In such a proceeding from any court of the U.S., as 28 U.S.C. § 452, the initial document also shall state whether that court, pursuant to 28 U.S.C. § 2403(a), certified to the Attorney General the fact that the constitutionality of an Act of Congress was drawn into question. (See Rule 14.1(e)(v)). PAGE 1543: "Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment"... the Court... assumed that "discrimination, if gross enough, is equivalent to confiscation and subject to challenge and annulment..." "The federal sovereign... must govern impartially..." [B]ut... there may be overriding national interests [that] justify selective federal legislation that would be unacceptable for an individual state."

(28) Due process under the Fourteenth Amendment can be broken down into two categories: procedural due process and substantive due process... passage of the Reconstruction Amendments... gave the federal courts the authority to intervene when a state threatened fundamental rights of its citizens... If a police power regulation goes too far, it will be recognized as a taking of property [that] compensation must be paid... the extent of the power may vary based on the subject matter over [what] it is exercised.

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (29) Review on Certiorari: How Sought; Parties 6. All parties to the proceeding in the Court whose judgment is sought to be reviewed are deemed parties entitled to file documents in this Court, unless the petitioner notifies the Clerk of the Court in writing of the petitioner's belief that one or more of the parties... have no interest in the outcome of the petition. A copy of such notice shall be served as required by Rule 29 on all parties to the proceeding...
- (30) Content of a Petition for a Writ of Certiorari (e) A concise statement of the basis for jurisdiction in this Court, showing:... (v) if applicable, a statement that the notifications required by Rule 29.4(b)... have been made.
- (31) Defendant's defense that phantom party contributed to plaintiff's [harm] must be pleaded affirmatively in answer as such defense is in nature of avoidance.
- (32) A petition for a writ of Certiorari to review a case pending in a U.S. Court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.

XII. STATEMENT OF THE CASE

Sole Petitioner, namely Kittie R. Payne, continues Pro Se with moral obligation in good faith, is the age of 59 years old (and In Forma Pauperis status is current and correct), to proceed in an appropriate way before a properly constituted tribunal to provide inquiry as to the amount of compensation and has expectation for due process of law that is required by the Federal Constitution now subsequent to U.S.C.A. 03/14/2017 Ordered Dismissed as Frivolous (Appendix E), U.S.D.C. 08/13/2016 Ordered Dismissed And Denial Remaining Motions (Appendix F(1)), and U.S.D.C. 01/21/2016 Ordered Dismissed. The United States Court of Appeals for the Ninth Circuit has decided an important federal question in a way that conflicts with relevant decisions of this Court as there is nothing contained within any of the previous Orders that certification was made to the Attorney General of the fact that the constitutionality of an Act of Congress was drawn into question. In addition, the Attorney General for the state of California does not attend to matters that pertain to the Internet. The parties described as Respondents in the caption of the case are previous offenders of deceitful communications; the parties described as Respondents and their Affiliates are previous offenders of tactics of aggressive marketing campaigns. Valuation determination as frivolous and depriving it of value is mere supposition as the making such deprivation is inconsistent as to previous material valuations made of wrongdoings of aggressive marketing campaigns and deceitful communications. As Regulatory action has otherwise deprived it of value (Appendix D), whether there has been a taking in the Fifth Amendment sense becomes critical as the viability and dimensions of a judicial takings doctrine has remained unresolved. The sole Petitioner, namely Kittie R. Payne, has already taken title, a lesser interest, and possession as to any part of it (Appendix B, C, and D), the Court must award compensation for the title, lesser interest, or possession taken. Claim is made by the filing of this Petition, and A 04/20/2017 Petition was sent via U.S.P.S. as Claim For Award made to the Supreme Court of the United States having moral obligation in good faith. Therefore, a showing is made of exceptional circumstances based on manifest error of law. The government may assert as error the district court's denial of any crime victim's right in the proceeding that the appeal relates. This is made my sworn statement having moral obligation in good faith this 18th day of the month of May of the Year 2017 in the city of Fresno, state of California. (28 U.S.C. § 2101(e); Rule 11, S.C.U.S. Rules).

Signed,
Kittie Payne

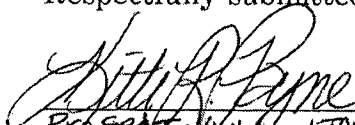
XIII. REASONS FOR GRANTING THE PETITION

- 1.) All that is essential is that in some appropriate way, before some properly constituted tribunal, inquiry shall be made as to the amount of compensation, and when this has been provided there is that due process of law that is required by the Federal Constitution (*Beckus v. Fort Street Union Dept Co.*, 169 U.S. 557, 569 (1898); F.R.C.P. Rule 71.1 (i)(1)(c); U.S.C.S. Rule 8(e) pg. 495; 28 USC § 1331; U.S.C.S. Rule 9 pg. 1; Amendment 5 Rights of Persons; U.S. Constitution Anal. & Interp. 2012, pg. 1569; Amend. 14 - Rights Guaranteed Const. of USA);
- 2.) As Regulatory action has otherwise deprived it of value, whether there has been a taking in the Fifth Amendment sense becomes critical... the viability and dimensions of a judicial takings doctrine thus remains unresolved (Constitution of U.S.A., Analysis and Interp. 2012, pg. 1569; Amendment 5, U.S. Constitution - Rights of Persons);
- 3.) There is nothing contained within any of the Orders made from either U.S.D.C. Eastern District of California or from the U.S.C.A., Ninth Circuit of California have certified to the Attorney General the fact that the constitutionality of an Act of Congress was drawn into question (28 U.S.C. § 2403(a); Rules of S.C.U.S. July 01, 2013 pg. 39; 28 U.S.C. § 451; *Jackson v Arizona*, 885 F.2d 639, 640 (9th Cir. 1989); *Franklin*, 745 F.2d at 1227; Amend 5 - Rights of Persons & Amend 14 - Rights Guaranteed, Constitution of the U.S.A.; U.S.C.S. Rule 8 and Rule 9; 28 USC § 1331);
- 4.) A showing is made of exceptional circumstances based on manifest error of law (*Cohen v. U.S.*, 98 Fed. Cl. 156, 160 (2011));
- 5.) Valuation determination depriving it of value is mere supposition as the making of such deprivation is inconsistent as to previous material valuations made for aggressive marketing campaigns and deceitful communications penalties for wrongdoing; therefore, decision of U.S.C.A. 9th Circuit of CA conflicts with the important matter of FTC File #942 3208 and/or FTC CV-S-94-623 -PMP (LRL) 05/12/1995 Summary Judgment;
- 6.) The critical inquiry has an arguable legal and factual basis See: *Jackson v Arizona*, 885 F.2d 639, 640 (9th Cir. 1989); *Franklin*, 745 F.2d at 1227;
- 7.) The United States Court of Appeals has decided an important federal question in a way that conflicts with relevant decisions of this Court (Considerations Governing Review on Certiorari pg. 5, Rules of S.C.U.S.);
- 8.) The sole Petitioner, namely Kittie R. Payne, has already taken title, a lesser interest, and possession as to any part of it (Appendix B, C, and D), the court must award compensation for the title, lesser interest, or possession taken (Fed. R. Civ. P. 71.1(i)(1)(c); Amendment 5 #14);
- 9.) Avoidance of Discrimination:
(As) Discrimination... is equivalent to confiscation and subject under the Fifth Amendment to challenge and annulment (*Steward Mach. Co. v Davis*, 301 U.S. 548, 585 (1937); *Covin v. Wallace*, 306 U.S. 1, 13-14 (1939); Anal. and Interp. Const. of USA, Amend 5 - Rights of Persons pg. 1543); And,
- 10.) Petition was made by U.S.P.S. on 04/10/2017 as Claim for Award (made to the Supreme Ct. of the United States) having moral obligation in good faith (USCS Rule 8) and is made again by the filing of this Petition; 04/11/2017 Petition request for writ of Mandamus submitted to S.C.U.S. as indefinite duration to update regulatory protections for modern technology oversites.

XIV. CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



PRO SE INDIVIDUAL TAXPAYER

Date: May 18, 2017